

Message Text

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E.O. 11652: N/A

TAGS: SNAR, BE

SUBJECT: BELGIAN PARLIAMENT PASSES TOUGHER DRUG LAW

SUMMARY: ON JUNE 25 HOUSE OF REPRESENTATIVES PASSED NEW DRUG LAW PROVIDING STIFFER PENALTIES FOR POSSESSION, SALE AND TRAFFICKING IN NARCOTICS AND OTHER HABIT FORMING DRUGS INCLUDING PSYCHOTROPICS. LAW INCREASES MAXIMUM PENALTIES FROM TWO TO FIVE YEARS FOR SIMPLE POSSESSION OR SALE. AGGRAVATING CIRCUMSTANCES AND ORGANIZED TRAFFICKING CAN LEAD TO PENALTIES OF 10 TO 20 YEARS. DOCTORS ALSO SUBJECT TO PROSECUTION FOR ILLEGAL PRESCRIPTIONS. INFORMERS MAY BE EXEMPTED FROM IMPRISONMENT, AND PERSONS CONVICTED FOR POSSESSION FOR PERSONAL USE MAY RECEIVE SUSPENDED SENTENCE FOR PROBATION. NO SPECIFIC REHABILITATION MEASURES ATTACHED TO THIS LAW. END SUMMARY.

1. IN HASTE TO CONCLUDE SPRING SESSION OF PARLIAMENT BY JULY 1, HOUSE, WHICH RECEIVED DRUG LAW FROM SENATE JUNE 12, PUSHED IT THROUGH COMMISSION AFTER ONE DAY'S CONSIDERATION. FOLLOWING UNCLASSIFIED

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BRIEF DEBATE IN PPARLIAMENT IN WHICH MINJUSTICE EMPHASIZED

IMPORTANCE OF RAPID PASSAGE OF THIS LAW, IT WAS PASSED UNANIMOUSLY JUNE 25. LAW WHICH HAD BEEN UNDER CONSIDERATION IN SENATE SINCE 1971 MARKS MAJOR BREAKTHROUGH IN STRENGTHENING BELGIAN LAW ENFORCEMENT AGAINST GROWING DRUG TRAFFIC, MOST OF WHICH HAS BEEN DESTINED FOR FOREIGN CONSUMPTION.

2. KEY PROVISIONS OF LAW ARE AS FOLLOWS:

(A) MAXIMUM SENTENCE FOR SALE OR POSSESSION INCREASED FROM TWO YEARS TO FIVE YEARS ACCOMPANIED WITH FINES OF UP TO 100,000 BELGIAN FRANCS (APPROXIMATELY \$3,000).

(B) SENTENCE OF 10 TO 15 YEARS APPLY IF MINORS UNDER 16 ARE INVOLVED AS CUSTOMERS OR USERS OR IF ACTIVITY WAS PART OF ORGANIZED TRAFFIC OR IF DEATH RESULTED FROM SALE.

(C) SENTENCES FROM 15 TO 20 YEARS MAY BE GIVEN TO LEADERS OF ORGANIZED TRAFFIC.

(D) DOCTORS ARE SUBJECT TO PENALTIES SPECIFIED IN (A) FOR ABUSIVE PRESCRIPTIONS AND COULD LOSE LICENSE.

(E) PERSONS WHO COMMIT SECOND OFFENSE UNDER THIS ACT IN FIVE-YEAR PERIOD MAY RECEIVE UP TO TWICE THE MAXIMUM PENALTY FOR THE OFFENSE.

(F) VIOLATORS OF THIS ACT WHO IDENTIFY OTHER OFFENDERS PRIOR TO PROSECUTION MAY BE EXEMPT FROM IMPRISONMENT.

(G) PERSONS CONVICTED FOR USE OR POSSESSION FOR PERSONAL USE MAY BE GIVEN SUSPENDED SENTENCE OR PUT ON PROBATION UNDER LAW OF JUNE 1964, IF THEY HAVE HAD NO PREVIOUS DRUG CONVICTION.

3. LAW WILL BECOME EFFECTIVE WHEN IT IS PUBLISHED IN OFFICIAL GAZETTE, (PROBABLY EARLY IN JULY) AND ONCE ROYAL DECREES HAVE BEEN PUBLISHED LISTING DRUGS COVERED BY THIS LAW.

4. WHEN LAW IS PUBLISHED, EMBASSY WILL POUCH FULL TEXT INCLUDING ACCOMPANYING ROYAL DECREES. IN VIEW OF INTERNATIONAL IMPORTANCE OF THIS LEGISLATION, WE HOPE WIDE PUBLICITY WILL BE GIVEN TO THIS LAW. RENNER

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